

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

PEGGY ELROD, YVONNE BERTOLO,)
JANINE PALMER, and JUSTIN PALMER,)
and all similarly situated persons within the)
proposed class)
Plaintiff,)
)
v.) **JUDGMENT**
)
)
WAKEMED, WAKMED SPECIALTY)
PHYSICIANS, LLC d/b/a WAKEMED)
PHYSICIAN PRACTICES, WAKEMED)
SPECIALISTS GROUP, LLC d/b/a)
WAKEMED PHYSICIAN PRACTICES,)
ARGOS HEALTH, INC., ALLSTATE)
PROPERTY AND CASUALTY)
INSURANCE COMPANY,)
PENNSYLVANIA NATIONAL MUTUAL)
INSURANCE COMPANY, and)
UNKNOWN DEFENDANTS 1 through 25)
Defendants.)
No. 5:20-CV-413-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of defendants' motions to dismiss.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered September 22, 2021, and for the reasons set forth more specifically therein, defendants' motions to dismiss are GRANTED. Plaintiffs' claims against defendants WakeMed and Argos are DISMISSED pursuant to Rule 12(b)(6). Plaintiffs' claims against defendants Allstate and Penn National are DISMISSED pursuant to Rule 12(b)(1) and 12(b)(6).

This Judgment Filed and Entered on September 22, 2021, and Copies To:

Arlene L. Velasquez-Colon / Kendra R. Alleyne (via CM/ECF Notice of Electronic Filing)
Jeffrey R. Whitley /Troy D. Shelton / Matthew Nis Leerberg (via CM/ECF Notice of Electronic Filing)
James C. Thornton / R. Robert El-Jaouhari (via CM/ECF Notice of Electronic Filing)
Elizabeth A. Martineau / Sharon Suh (via CM/ECF Notice of Electronic Filing)
Richard Leonard Pinto (via CM/ECF Notice of Electronic Filing)

September 22, 2021

PETER A. MOORE, JR., CLERK

/s/ Sandra K. Collins
(By) Sandra K. Collins, Deputy Clerk